IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

PRESENT
THE HON'BLE MR JUSTICE R.SUBHASH REDDY
WRIT PETITION NO :10417 of 2006

Dated 18th October, 2006

Between

Y.Nishanth Reddy

…..Petitioner

and

Jawaharlal Nehru Technological University, Hyderabad,
Rep. By its Vice chancellor, situated at Kukatpally, Hyd-72
And anr.

….Respondents.

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 10417 of 2006

ORDER:

The petitioner, who is a student of Engineering in the second respondent institution, has filed this writ petition when he was not permitted to write first year theoretical examinations, commenced from 30-5-2006, on the ground that he has not put in minimum required

attendance, as per the academic regulations.

The petitioner appeared for EAMCET-2005 and basing on the rank secured by him, at the first instance, he was allotted a seat in the branch of Electronics and Communication Engineering, in Hi-Tech College of Engineering and Technology, Hyderabad, on 24-10-2005. However, in the subsequent counselling, pursuant to his option, he was allotted a seat in the branch of Computer Science in the second respondent Institution. As stated in the affidavit filed in support of the Writ Petition, it is the case of the petitioner that he attended the classes in Hi-Tech College of Engineering and Technology from 24-10-2005 to 15-11-2005 and thereafter, he attended the classes in second respondent-college from 16-11-2005 onwards. It is stated that while pursing the first year course, he met with road accident on 26-11-2005 and took treatment in the BBR Multi Speciality Hospital, Balanagar, and he was discharged on 27-12-2005. The second respondent college addressed a letter to the father of the petitioner on 3-5-2006 intimating that the petitioner is having only 57.56% of attendance, though minimum required attendance is 75% to write examinations. Thereafter, a representation was filed by the father of the petitioner intimating about the accident suffered by the petitioner on 26-11-2005. But, however, when the petitioner was not permitted to write examinations, he has filed this writ petition.

It is the grievance of the petitioner that though the petitioner had attended all the classes in the Hi-Tech College of Engineering and Technology from 24-10-2005 to 15-11-2005, but however, the second respondent has not taken the said attendance into account while calculating the percentage of attendance of the petitioner. It is the case of the petitioner that from 26-11-2005 to 27-12-2005 he could not

attend the classes in the second respondent for the reasons beyond his control, as he met with an accident and he was under treatment.

Counter affidavits are filed by the first respondent-University and the second respondent-Institution.

In the counter affidavit filed by the second respondent, it is stated that the second respondent had conducted totally 939 classes from 22-9-2005 to 13-5-2006, in accordance with the almanac approved by the first respondent-University. But however, the petitioner had attended only 453 classes. It is further stated that after joining of the petitioner in the second respondent-Institution, totally 813 classes were conducted. It is stated that on account of irregular attendance of the petitioner, he did not put in required attendance. It is stated that as per the academic regulations framed by the University, requirement of 75% of attendance in aggregate of all the subjects is necessary and there is power to condone up to 10% by the Vice-Chancellor on the recommendation of the sub committee of the Academic Senate, on valid and genuine grounds.

In similar lines, the first respondent also filed counter affidavit. Along with counter affidavit, the respondents have also given attendance particulars of the petitioner in tabular form with split up figures, month wise.

Heard the learned Counsel for the petitioner, Sri Rathangapani Reddy, learned Standing Counsel appearing for the first respondent-University, and Sri S. Niranjan Reddy learned Counsel appearing for the second respondent-Institution.

As per the academic regulations of the respondent-University,

75% of minimum attendance in aggregate of all the subjects, is necessary, so as to permit the student to write examinations. It is the case of the petitioner, that basing on the rank obtained in EAMCET-2005, at the first instance, he was allotted a seat in the branch of Electronics and Communication Engineering, in the Hi-Tech College of Engineering and Technology and he attended the classes in the said college from 24-10-2005 to 15-11-2005. As such, if the attendance put in the said college is taken into account, he is having required percentage of attendance. As per the counter affidavits filed by the respondents, even after joining of the petitioner in the second respondent-institution, 813 classes were conducted, but however, the petitioner had attended only 453 classes. If the number of classes attended by the petitioner from the date of joining is taken into account, he possessed only about 56% of attendance. If the total of 913 classes are taken into account, his attendance is less than 50%. Even if all other classes prior to the petitioner's admission were credited to his benefit, he attended only 579 classes out of 939 classes, which comes to 61%. Even on medical grounds, as per the academic regulations, power to condone the shortage in attendance is only up to 10% and student who possesses less than 65% cannot be permitted to write examinations in any event. Though the petitioner, at the very beginning of the course, met with road accident on 26-11-2005 and due to injuries suffered by him, he was hospitalized up to 27-12-2005, a perusal of the sheet of attendance particulars furnished by the respondents shows that the petitioner was irregular in attending the classes even during the months from January to May also. Though, it is submitted by the learned Counsel for the petitioner that attendance particulars were not correctly marked by the second respondent institution, but, however, there is no basis for such an allegation. As per the attendance particulars given by the respondents, in every

subject, the petitioner had missed number of classes. When the academic regulations require minimum 75% of attendance, the petitioner cannot seek direction so as to permit him to write examinations, when he is not otherwise eligible, as per the norms notified in the academic regulations. In that view of the matter, the petitioner is not entitle for the relief as prayed for in this writ petition.

The Writ Petition is devoid of merits and the same is accordingly dismissed. No order as to costs.

JUSTICE R. SUBHASH REDDY

DATE: 18 --10--2006

Msnr.